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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,600	05/31/2001	Akira Arai	9319A-000222	8588

27572 7590 06/20/2003

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EXAMINER

SHEEHAN, JOHN P

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 06/20/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/871,600

Applicant(s)

ARAI ET AL.

Examiner

John P. Sheehan

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--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

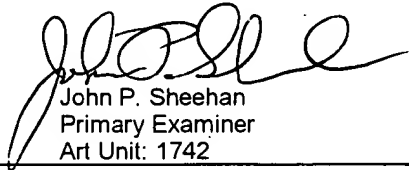
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-10, 12-14, 24-30 and 32-34.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


John P. Sheehan
Primary Examiner
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Continuation of 2. NOTE: The proposed claim language, "where R is at least one rare element that consists of Nd and Pr" raises a new issue. The phrase, "R is at least one element" encompasses Nd and Pr each alone or a combination of Nd and Pr, however, the phrase, "consists of Nd and Pr" with no introductory phrase such as --selected from the group that-- appears to limit the R component to a combination of Nd and Pr without the embodiments wherein Nd and Pr are used alone. In view of this conflict the proposed amendment raises an issue under 35 USC 112, paragraph 2.

Continuation of 3. Applicant's reply has overcome the following rejection(s): The terminal disclaimer submitted June 12, 2003 overcomes all the provisional obvious double patenting rejections set forth in the final rejection mailed March 11, 2003.

Continuation of 5. does NOT place the application in condition for allowance because: The arguments regarding Mohri et al. and Panchanathan are moot in view of the fact that they are based on the proposed amendment which has not been entered. Further, the arguments regarding Panchanathan and a difference in coercivity are not persuasive in that the coercive force recited in the applicants' claims is not the coercive force of the claimed magnetic powder but rather is the coercive force of a bonded magnet made from the claimed powder. The properties of the bonded magnet made from applicants' claimed powder would be expected to be a function of the process used to make the bonded magnet, such as for example, the amount of binder used, the final density, the curing temperature of the binder, the binder, etc. In view of this, the coercive force recited in the instant claims and the claims proposed in applicants response submitted June 12, 2003 is not considered to distinguish the claimed alloy powder from Panchanathan's powder.

Information Disclosure Statement

1. The information disclosure statement filed June 12, 2003 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. It is noted that that applicants submitted the IDS under 37 CFR 1.97(C) stating that the IDS was submitted before a final rejection, however a final rejection in this application was mailed March 11, 2003. Accordingly, the IDS must comply with 37 CFR 1.97(d).

Applicants are advised that if the IDS is resubmitted it fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of the Korean Office Action in the corresponding Korean Patent Application No. 2001-0030467.

Conclusion

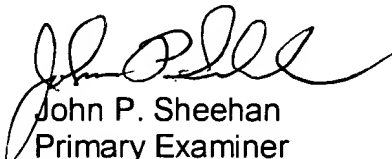
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (703) 308-3861. The examiner can normally be reached on T-F (6:30-5:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703) 308-1146. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.



John P. Sheehan
Primary Examiner
Art Unit 1742

jps
June 19, 2003